

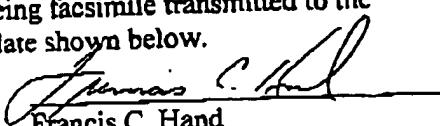
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Francis C. Hand

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Art Unit 3711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Sebastian Passaniti
Applicants: Frank Thomas
Serial No: 09/845,280
Filed: April 30, 2001
TITLE: A Golf Club Having An Alignment Device Thereon Customer No.:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Sir:

This is in response to the Final Rejection dated March 19, 2004.

Remarks

Claims 1 to 27 are in this application.

Claims 5 to 25 have been allowed.

Claims 1 to 4 stand rejected on the grounds of *Res Judicata* in view of the Board of Patent Appeals and Interference decision dated August 15, 2003.

Claims 26 and 27 have been rejected as being unpatentable over Reach in view of JP No. 405329233 (Seisaku).

Based upon the facts established in the attached Declaration of Ralph D. Maltby, the rejections of claims 1 to 4 and 26 to 27 are not warranted pursuant to the provisions of 35 USC 103. Specifically, the Declaration of Mr. Maltby provides new evidence that the rejection of claims 1 to 4 as being unpatentable over Reach in view of Seisaku and the rejection of claims 26 and 27 as being unpatentable over Reach in view of Seisaku are not warranted under the provisions of 35 USC 103.

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Serial No:
Filed:

In light of the new evidence presented herewith, namely the Declaration of Mr. Maltby, and the showing of facts therein, the *res judicata* rejection of claims 1 to 4 is no longer warranted. See *In re Russell*, 439 F.2d 1228, 169 USPQ 426 (CCPA 1971), *In re Ackerman*, 444 F.2d 1172, 170 USPQ 340 (CCPA 1971) and *In re Herr*, 377 F.2d 610, 153 USPQ 548 (CCPA 1967).

Note is also made that the Examiner is in error in alleging that Reach shows the invention substantially as claimed. For example, claim 26 requires a line to have two portions that are disposed (1) not only in a common plane with the longitudinal axis of the putter shaft (2) but also in a plane parallel to a plane containing the striking face of the putter head. As can be seen in Figs. 1 and 2 of Reach, the face a2 of the putter head is inclined to the vertical and is clearly not parallel to the sighting line c on the hosel.

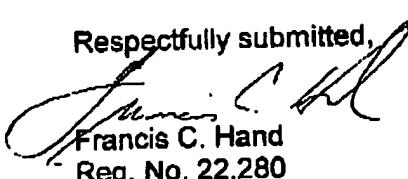
Further, there is no teaching in Reach that the sighting line c is to be in a common plane with the longitudinal axis of the golf club shaft.

A request for a Three Month Extension of Time is being submitted separately herewith.

Entry of this Amendment and Declaration for purposes of Appeal is requested.

The application is believed to be in condition for allowance and such is respectfully requested.

Respectfully submitted,



Francis C. Hand
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